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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,182	02/09/2004	Volker Stephan	2560-0423	6759

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EXAMINER	
SWIATEK, ROBERT P	
ART UNIT	**PAPER NUMBER**
3643	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/773,182	STEPHAN, VOLKER	
	Examiner	Art Unit	
	Robert P. Swiatek	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 27-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 27-37 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 10/012,376.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-30, 32, 33, 35, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregoire et al. (US 3,514,055). The patent to Gregoire et al. describes a method of increasing engine output of a jet aircraft when one engine fails. Column 1, lines 45-50, 56-61, notes that various auxiliary systems—such as air conditioning—of an aircraft are driven by tapping into the compressor stages of the jet engines. When this load, including bleed air, suddenly is removed from an engine (as during shutdown of an adjacent engine), the remaining engine experiences a surge in power output. It is inherent from the Gregoire et al. specification, that shutdown of an aircraft engine followed by concurrent power increase in a remaining engine would alter the trim of the aircraft, requiring movement of the rudder to change the yaw.

Claims 27, 28, 31, 32, 34, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Eickmann (US 4,009,849). The Eickmann fluid-stream driven aircraft employs two motors 6, 7 interconnected by a system of fluid lines 4, 5, 13, 14 (see Figure 1 of Eickmann). Reducing or increasing the fluid flow to one motor would alter accordingly the shaft speed of the other motor so that the rotary velocities of the propellers 8, 9—and thus their resulting thrusts—could be changed relative to one another (see column 3, lines 1-6, of Eickmann). Changing the rotary

velocities of the propellers, one with respect to the other, and hence the thrust distribution would of necessity require trimming the rudder of the aircraft.

The abstract of the disclosure is objected to because it should be entitled –Abstract of the Disclosure– and in line 1, "This invention relates to the" should be changed to –The–. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 2 of the specification, the status of Application No. 10/012,376 should be updated.

Appropriate correction is required.

The patents to Coffinberry (US 5,137,230), Artinian et al. (US 5,939,800), and Murry et al. (US 6,127,758) have been cited to provide additional examples of aircraft engine systems.

RPS: ©703/308-2700
7 December 2004

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 333 3643